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# HARVARD LAW REVIEW

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THE LAW SCHOOL. — The registration in the School on November 15 of each of the last twelve years is shown in the following table:

	1906-07	1907-08	1908-09	1909-10	1910-11	1911-12
Res. Grad. . . . .	—	2	—	—	2	3
Third year . . . .	190	171	169	187	178	219
Second year . . . .	199	198	207	191	238	217
First year . . . . .	243	280	244	311	296	289
Unclassified . . . .	—	—	—	—	82	76
Specials . . . . .	62	63	64	70	3	4
	694	714	684	759	799	808
	1912-13	1913-14	1914-15	1915-16	1916-17	1917-18
Res. Grad. . . . .	6	4	5	8	10	5
Third year . . . . .	176	169	167	177	213	73
Second year . . . . .	186	197	197	226	234	87
First year . . . . .	287	260	288	308	335	96
Unclassified . . . .	84	64	68	66	64	31
Specials . . . . .	5	1	5	1	2	0
	744	695	730	786	858	292

The above figures show that the registration in the School this year is only a little over one third of what it was last year. A large falling off was to be expected and was foreshadowed by the fact that before the end of last year over four hundred men left the School to enter training camps or some branch of the service. The loss in numbers should be cause for pride rather than regret.

On the Faculty there have been several changes. Professor Kales, unfortunately for the School, has given up teaching and engaged in practice

in Chicago. Professor Wambaugh and Professor Frankfurter are on leave of absence, the former being a Judge Advocate in Washington, the latter being an assistant to the Secretary of War. Under these circumstances the School is particularly fortunate in having secured the services of Prof. Henry M. Bates. Mr. Bates received the degree of Ph.B. from the University of Michigan in 1890 and LL.B. from Northwestern University in 1892. From 1892 to 1903 he practiced law in Chicago. From 1903 until his present appointment he was a member of the Faculty of the University of Michigan Law School, as a professor for seven years and since 1910 as Dean.

The changes in the Faculty have made necessary the following adjustment of the curriculum: Professor Wambaugh's course in Constitutional Law is being given by Professor Bates, Agency by Prof. Joseph Warren and Insurance by Assistant Professor Chafee. Professor Kales's course in Property II is being given by Prof. Joseph Warren and Property III by Professor Westengard. Professor Frankfurter's course in Public Utilities is being given by Dean Pound, Partnership by Professor Bates, and Municipal Corporations by Professor Beale.

**THE LEGALITY OF ATHEISM.** — Is the promotion of atheism a criminal offense at common law?<sup>1</sup> There are four possible grounds for holding that it is, or that under some circumstances it may be.

1. That a denial of the very existence of God is an offense against God, and that in order to vindicate the majesty of God the state should punish it. This view has been distinctly rejected by the courts, both in England<sup>2</sup> and in the United States.<sup>3</sup> In so far as the offense is an offense against God, it is left for God or the Church to deal with it.

2. That the civil order is based on religion and in particular on Christianity, and that to attack religion or the fundamental doctrines of Christianity is to loosen the bonds of society and to endanger the state. This was the view taken by Lord Hale in a famous case in which he said: "To say religion is a cheat is to dissolve all those obligations whereby the civil societies are preserved; Christianity is parcel of the laws of England; and therefore to reproach the Christian religion is to speak in subversion of the law."<sup>4</sup> Under this view any attack upon the

<sup>1</sup> For a summary of the English statutes on this and related matters, see 1 HAWKINS, PLEAS OF THE CROWN (6 ed.), 11 *et seq.*; [1917] A. C. 409.

In England bequests for the saying of masses for the soul of the testator or of other persons are still held to be illegal as superstitious uses. The law is otherwise in Ireland and in Canada. But in Ireland as well as in England bequests to or for the benefit of monastic bodies are illegal. *Ellard v. Phelan*, [1914] 1 I. R. 76.

Strangely enough the Blasphemy Act of 1697 (9 & 10 WILL. III, c. 32) is still on the English statute book. By this act persons who have been educated in or have made profession of the Christian religion, who are convicted of denying the Trinity or the truth of Christianity or the authority of the Bible, are subjected to heavy penalties and disabilities. Of course the act is not actually enforced today.

<sup>2</sup> 4 BL. COMM. 41 *et seq.*; STARKIE, SLANDER AND LIBEL (Am. ed., 1877), § 772.

<sup>3</sup> *State v. Chandler*, 2 Harr. (Del.) 553 (1837).

<sup>4</sup> *Taylor's Case*, 1 Vent. 293, 3 Keb. 607, 621 (1675). The actual decision was undoubtedly right, for the defendant's words were indecent.

In a number of the cases special stress is laid on the religious sanction of a judicial